

ESTTA Tracking number: **ESTTA594213**Filing date: **03/24/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Bottle Rocket Corp.
Granted to Date of previous extension	03/23/2014
Address	7502 Spicewood Drive Garland, TX 75044 UNITED STATES

Correspondence information	Bottle Rocket Corp. 7502 Spicewood Drive Garland, TX 75044 UNITED STATES jamiepruittlaw@gmail.com Phone:469.698.8550
----------------------------	--

**Applicant Information**

Application No	85871678	Publication date	09/24/2013
Opposition Filing Date	03/24/2014	Opposition Period Ends	03/23/2014
Applicant	Springbot, LLC Suite 215 Atlanta, GA 30308 GABON		

**Goods/Services Affected by Opposition**


Class 042. First Use: 2012/07/11 First Use In Commerce: 2012/07/11  
All goods and services in the class are opposed, namely: Software as a service (SAAS) featuring software for use in the integration of marketing automation software and data analytics for e-commerce shopping platforms and point of sale

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	4283011	Application Date	06/22/2012
Registration Date	01/29/2013	Foreign Priority Date	NONE
Word Mark	SPRINGBOT		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 2008/01/01 First Use In Commerce: 2008/07/12 Advertising services, namely, promoting and marketing the goods and services of others through all public communication means</p> <p>Class 042. First use: First Use: 2008/01/01 First Use In Commerce: 2008/07/12 Application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices</p>

Attachments	85659608#TMSN.jpeg( bytes ) Springbot Notice of Opp.PDF(148025 bytes )
-------------	---

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/Jamie T. Pruitt/
Name	Jamie T. Pruitt, Attorney for Opposer
Date	03/24/2014

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

BOTTLE ROCKET CORP.,

Opposer,

SPRINGBOT, LLC.,

Applicant.

§  
§  
§  
§  
§  
§  
§  
§

Opposition No. \_\_\_\_\_

U.S. Application Serial No- 85/871,678  
for the mark 'SPRINGBOT'

NOTICE OF OPPOSITION

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir:

Bottle Rocket Corp., a Texas corporation having an address of 7502 Spicewood Drive, Garland, Texas 75044 ("*Bottle Rocket*") and owner of United States Trademark Registration (Registration Number 4283011 for SPRINGBOT), believes it will be damaged by the registration of the mark shown in U.S. Application Serial No. 85/871,678, filed March 8, 2013, and owned by Springbot, LLC., a Georgia Limited Liability Company having an address of 75 Fifth Street NW, Suite 215, Atlanta, Georgia 30308. ("*Applicant*") in connection with services in Class 042, specifically, "Software as a service (SAAS) featuring software for use in the integration of marketing automation software and data analytics for e-commerce shopping platforms and point of sale."

Bottle Rocket submits this Notice of Opposition, opposing the registration of U.S. Application Serial No. 85/871,678, the grounds for which are as follows:

1. Bottle Rocket is a website and mobile application developer and graphic design firm and is the owner of the trademark “SPRINGBOT” and all goodwill associated therewith (the “*SPRINGBOT Mark*”) used in connection with software, web site and applications management, hosting, development and maintenance in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery to handheld computers, laptops and mobile electronic devices, and related goods/services, as well as advertising services, namely, promoting and marketing the goods and services of others through all public communication means (the “*Bottle Rocket Goods/Services*”).

2. Commencing prior to Applicant’s filing date, and continuing without interruption to the present time, Bottle Rocket (itself or through its related companies and/or licensees) continuously has used, and continues to use, the SPRINGBOT Mark in connection with the Bottle Rocket Goods/Services.

3. Bottle Rocket’s SPRINGBOT Mark has been so extensively used and advertised by Bottle Rocket in the United States, the SPRINGBOT Mark has come to indicate to the relevant trade and consumers, goods and services having their source of origin in, or connected with, Bottle Rocket.

4. Bottle Rocket is the owner of and will rely upon herein, its common law rights and prior use of the SPRINGBOT Mark for the Bottle Rocket Goods/Services, as well a United States Trademark Registration (Registration Number 4283011) for the SPRINGBOT Mark.

5. Bottle Rocket has an official United States Trademark Registration (Registration Number 4283011) for the SPRINGBOT Mark in class 035 for “Advertising services, namely, promoting and marketing the goods and services of others through all public communication means,” and in class 042 for “Application service provider, namely, hosting, managing,

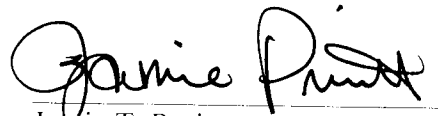
developing, and maintaining applications, software, and web sites, in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices.”

6. Bottle Rocket alleges as a ground for this proceeding the likelihood of confusion under Section 2(d). If the Board or Examining Attorney allows registration of Applicant’s mark, Bottle Rocket will be damaged by the registration of Applicant’s mark. The registration sought by Applicant should be refused because Bottle Rocket has priority of use and priority of registration for the SPRINGBOT Mark.

WHEREFORE, Bottle Rocket prays that Applicant be required to answer this Notice of Opposition; that the mark made the subject of U.S. Application Serial No. 85/871,678 be refused registration; and that Opposer be awarded such other and further relief as may be deemed to be just and proper.

Respectfully submitted,

Date: March 24, 2014

A handwritten signature in black ink, appearing to read "Jamie T. Pruitt", written over a horizontal line.

Jamie T. Pruitt  
The Law Offices of Jamie T. Pruitt, PLLC  
110 S. Goliad Street, #101  
Rockwall, Texas 75087  
Tel: 469.698.8550  
Fax: 469.698.8554  
ATTORNEY FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing *Notice of Opposition* was served in accordance with 37 C.F.R. 2.101 upon Applicant's attorney at the correspondence address of record as indicated below on March 24, 2014.

Ann K. Ford  
DLA PIPER LLP  
500 8<sup>th</sup> Street NW  
Washington, District of Columbia, 20004-2131

Attorney for Applicant

*(Via US Postal Service Overnight)*

  
Jamie T. Pruitt